

REMARKS/ARGUMENTS

Prior to entry of the present Amendment, claims 21-37 were pending with claims 1-20 having previously been canceled. In the present Amendment, claims 21-22, 26-28, 32 and 36 are presented in their previously presented form, and claims 23-25, 29-31, 33-35 and 37 are withdrawn. New claim 38 is added and withdrawn. New claims 39-40 are also added. Accordingly, claims 21-22, 26-28, 32, 36 and 39-40 are pending in the application. No new matter has been added.

As provided in the Amendment filed on January 15, 2009, claims 21-37 generally replaced cancelled claims 1-20. More specifically, present claims 21-27, 29-30, 33-34 and 37 correspond to cancelled claims 1-2, 6-10, 15-16, 18, 19 and 11, respectively. Also, the subject matter of cancelled claim 20 is included in present claims 31 and 35. Finally, new (and withdrawn) claim 38 corresponds to cancelled claim 12.

Election/Restriction

The Examiner contends that the application includes the following patentably distinct species:

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| Group I | Figs. 1-9 |
| Group II | Figs. 10-13 |
| Group III | Figs. 14-16 |
| Group IV | Figs. 18-21 |

The Examiner contends that the species are distinct and has required Applicants to elect a single disclosed species for prosecution. Applicants elect Group I for prosecution, with traverse, and respectfully requests reconsideration of the restriction requirement for at least the reasons discussed in more detail below. Applicants submit that claims 21-22, 26-28, 32 and 36 and new claims 39-40 read on the elected group.

Withdrawn claims 23, 29, 33; 24, 25, 30, 31, 34, 35; and 37-38 read on non-elected Groups II, III and IV, respectively. If the restriction requirement is maintained, Applicants reserve the right to re-present claims directed to the non-elected groups in one or more divisional applications.

As an initial matter, if the restriction requirement is maintained, Applicants respectfully submit that the Examiner has mis-identified the groups. Applicants respectfully submit that Group I should include Figs. 1-3 (upon which claims 21-22, 26-28, 32, 36 and 39-40 read) and that Figs. 4-9 should be in a separate group. Also, Fig. 17 should be included in Group III with Figs. 14-16.

Applicants respectfully traverse the restriction requirement because there is no serious burden on the Examiner. Applicants respectfully submit that the Examiner has, in fact, already examined the subject matter in the pending claims, and, therefore, there is actually no burden on the Examiner.

Specifically, the Examiner examined and rejected claims 1-20 in the Office action dated July 15, 2008. As provided in the Amendment filed on January 15, 2009, claims 21-37 generally replaced cancelled claims 1-20. More specifically, present claims 21-27, 29-30, 33-34 and 37 correspond to cancelled claims 1-2, 6-10, 15-16, 18, 19 and 11, respectively. Also, the subject matter of cancelled claim 20 is included in present claims 31 and 35. Finally, new (and withdrawn) claim 38 corresponds to cancelled claim 12. As the Examiner has already examined the subject matter of at least present claims 21-27, 29-31, 33-35 and 37-38, Applicants respectfully submit that there is no burden on the Examiner if these claims are retained in the application.

Also, the figures of Groups I-IV each illustrate an apparatus for the detachable connection of a wiper blade on a swivelable wiper arm of a wiper for windows of motor vehicles. The illustrated apparatus of each group includes a bushing and a plug-in axis that can be accommodated in a lockable manner. Accordingly, all groups identified by the Examiner at least have some overlap in scope. MPEP 806.05(j). Applicants respectfully submit that Groups I, II, III, and IV, even if patentably distinct, are so inextricably related to one another that they should continue to be examined in a single application.

In addition, Applicants respectfully submit that the Examiner has conducted a search of the prior art for and has examined the subject matter of the claims, as mentioned above, and that a complete and thorough search of the prior art for any one group would be substantially the same as a search for another group.

Practicality and efficiency and the lack of any burden on the Examiner dictate that the claims should be retained and the restriction requirement should be withdrawn. The restriction requirement, if sustained, will further prejudice Applicants because of the increased cost to Applicants arising from the further substantial filing fees and prosecution costs and the further delay in patent issuance.

For at least these reasons, Applicants respectfully request withdrawal of the restriction requirement. In the alternative, Applicants respectfully request further examination on the merits of Group I and the subject matter of claims 21, 22, 26-28, 32, 36 and 39-40.

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the above Amendment and allowance of at least claims 21, 22, 26-28, 32, 36 and 39-40.

If consultation will further prosecution, the undersigned is available during normal business hours at the below-identified phone number.

Respectfully submitted,

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